CERTIFICATE OF SERVICE

I, Rebecca C. Martin, an Assistant United States Attorney for the Southern District of New York, hereby certify that on April 15, 2008, I caused a copy of the foregoing Defendant's Memorandum of Law in Further Support of Its Motion fo Summary Judgment, to be served by first class mail upon plaintiff's counsel at the following address:

Thomas Cmar, Esq. Natural Resources Defense Council 1200 New York Ave., N.W. Suite 400 Washington, DC 20005

Dated: New York, New York

April 15, 2008

/s/

REBECCA C. MARTIN
Assistant United States Attorney

Tel.: (212) 637-2714